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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,721	01/04/2002	Dale A. Gort	026032-3849	4173
26371	7590	10/10/2003		
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			EXAMINER PAPE, JOSEPH	
			ART UNIT 3612	PAPER NUMBER

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/041,721	GORT ET AL.	
	Examiner	Art Unit	
	Joseph D. Pape	3612	

**Period for Reply** *The MAILING DATE of this communication appears on the cover sheet with the correspondence address.*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-13, 20, 21, 24-42 and 44 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 22 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 14-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

***Specification***

2. The abstract of the disclosure is objected to because the abstract is not in the form of one paragraph. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities:  
Reference character "40" has been used to designate both an "article interface portion" on page 5 and an "attachment device" subsequently. On page 6, line 2, it is thought that --the—should be inserted before "article" for greater clarity. On page 8, line 3 is awkwardly phrased. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-13, 20-21 and 24-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 4 and 5, "receiving member" has no clear antecedent basis in that "one or more receiving members" set forth in the preamble is considered to potentially be different structure. This term also appears in claims 2, 3, 4, 5, 6, and 20.

In claim 10, "article interface device" has no clear antecedent basis and it is thought that perhaps the claim should have been drawn to depend upon claim 7.

In claim 24, "article" has no clear antecedent basis.

In claim 25, "elongated member" and "article" have no clear antecedent basis.

In claim 21, lines 1-2, "receiving device" has no clear antecedent basis.

In claim 26, line 4, and claim 27, line 3, "elongated member" has no clear antecedent basis.

In claim 33, lines 3, 4, and 8 and claim 27, line 2, "elongated member" has no clear antecedent basis.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-4, 21 and 26, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Canni et al.

Canni et al. disclose the claimed invention including base 64, attachment device 80, 82 and retention device which is the aperture and cavity formed in the base as described in column 5, lines 64-67 thru column 6, lines 1-10. Re claims 3 and 4, the base can both be moved along the mounting member or left in a given position thereon.

8. Claims 1-4, 5, 13, 20-21, 26 and 28, as understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Suman et al.

Suman et al. disclose the claimed invention including receiver member 220, base 250, attachment device comprising legs 269, and 260. Reference Figures 4-5 and 8-9. As shown in Figures 8 and 9, the base can have different articles attached thereto with an inherent retention device which is not shown.

Re claim 5, leg 266 is considered to be a friction device as broadly as recited.

Re claim 13, the leg 269 is considered to be a fulcrum and the leg 260 is considered to be a lever when inserting base 250 into member 220 as broadly as recited.

Re claim 20, Suman et al. disclose that the leg 268 of base 250 includes electrical contacts such as 151, 152, and 153 shown in Figure 4. See column 7, first few lines.

9. Claims 1-4, 6, 21, 26, and 30, as understood, are rejected under 35

U.S.C. 102(b) as being anticipated by De Angelis et al.

De Angelis et al. disclose the claimed invention including receiving member 80, base 24, attachment device 46, a retention device for securing the article 30 to the base which can be any known securement means (see column 3, lines 10-11) and positioning device 66.

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10. Claims 1-11, 21, 26, 29-32, 39-42 and 44, as understood, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by the Japanese reference 2001055091.

***Allowable Subject Matter***

11. Claims 22 and 23 are allowed.

12. Claims 24-25 and 33-38 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

13. Claims 12 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of claims 22-25 in this case is the recitation of "means for coupling a base to one or more elongated members" and "means for coupling one or

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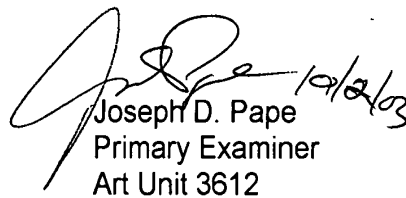
more articles to the base" which language is considered to invoke 112 6<sup>th</sup> paragraph which has no equivalent in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Joseph D. Pape  
Primary Examiner  
Art Unit 3612

Jdp

October 2, 2003